

RAKOFF, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

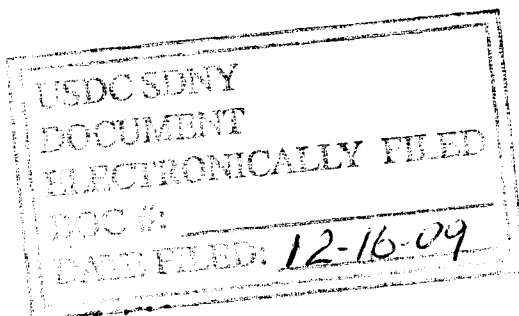
-against-

GALLEON MANAGEMENT, LP,
RAJ RAJARATNAM,
RAJIV GOEL,
ANIL KUMAR,
DANIELLE CHIESI,
MARK KURLAND,
ROBERT MOFFAT,
NEW CASTLE FUNDS LLC,
ROOMY KHAN,
DEEP SHAH,
ALI T. FAR,
CHOO-BENG LEE,
FAR & LEE LLC,
SPHERIX CAPITAL LLC,
ALI HARIRI,
ZVI GOFFER,
DAVID PLATE,
GAUTHAM SHANKAR,
SCHOTTENFELD GROUP LLC,
STEVEN FORTUNA,
and
S2 CAPITAL MANAGEMENT, LP,

Defendants.

09 Civ. 8811 (JSR)

ECF CASE



**STIPULATION AND ORDER AS TO
DEFENDANTS FAR & LEE LLC AND SPHERIX CAPITAL LLC**

WHEREAS, Defendants Far & Lee LLC and Spherix Capital LLC (collectively, "Defendants") acknowledge having been served with the Amended Complaint ("Complaint") in this action, enter a general appearance, and admit the Court's jurisdiction over Defendants and over the subject matter of this action;

WHEREAS, Far & Lee LLC is a defunct entity;

WHEREAS, Spherix Capital LLC is winding down and will soon be a defunct entity;

WHEREAS, Defendants each have agreed to cease doing business;

WHEREAS, Defendants agree to cooperate with the Commission in connection with this action and any related investigation by the Commission staff;

WHEREAS, in light of the foregoing, the Commission agrees to dismiss its claims against Defendants;

WHEREAS, this Court has jurisdiction over the subject matter of this action and venue is proper in the Southern District of New York;


WHEREAS, Defendants hereby waive any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendants to defend against this action. For these purposes, Defendants agree that Defendants are not prevailing parties in this action since the parties have reached this Stipulation in good faith;

WHEREAS, the Court finds that there is good cause for the entry of this Stipulation and Order and that there is no just reason for delay;

THEREFORE, pursuant to this Stipulation and Order, the Court hereby orders that Far & Lee LLC shall hereby cease doing business, and Spherix Capital LLC shall cease doing business after it has completed winding down; and

THEREFORE, pursuant to this Stipulation and Order, the Court hereby dismisses the Commission's claims against Far & Lee LLC and Spherix Capital LLC, with prejudice.

IT IS SO ORDERED, at New York, New York on this 15th day of December, 2009.


HON. JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

CONSENTED TO AND APPROVED FOR ENTRY BY:

Dated: December 14, 2009

Securities and Exchange Commission

By: 

Valerie A. Szczepanik
Senior Trial Counsel
Division of Enforcement
U.S. Securities and Exchange Commission
New York Regional Office
3 World Financial Center, Rm 400
New York, NY 10281
Telephone: (212) 336-1100

Far & Lee LLC

Dated: _____

By: _____

Choo-Beng Lee
Former Managing Member
Far & Lee LLC
1595 Adolfo Dr.
San Jose, CA 95131

On _____, 2009, Choo-Beng Lee, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Far & Lee LLC, as its Former Managing Member.

Notary Public
Commission expires:

Far & Lee LLC

Dated: _____

By: _____

Ali T. Far
Former Managing Member
Far & Lee LLC
15230 Fruitvale Ave.
Saratoga, CA 95070

On _____, 2009, Ali T. Far, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Far & Lee LLC, as its Former Managing Member.

Spherix Capital LLC

Dated: _____

By: _____

Choo-Beng Lee
President
Spherix Capital LLC
1595 Adolfo Dr.
San Jose, CA 95131

On _____, 2009, Choo-Beng Lee, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Spherix Capital LLC, as its President.

Notary Public
Commission expires:

Spherix Capital LLC

Dated: _____

By: _____

Ali T. Far
Managing Member
Spherix Capital LLC
15230 Fruitvale Ave.
Saratoga, CA 95070

On _____, 2009, Ali T. Far, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Spherix Capital LLC, as its Managing Member.

Approved as to form:

Jeff Bornstein, Esq.
K&L Gates LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111
Ph: (415) 249-1059
Attorney for Choo-Beng Lee

Francisco J. Navarro, Esq.
Kobre & Kim LLP
800 3rd Ave.
New York, NY
Ph: (212) 488.1240
Attorney for Ali T. Far

THEREFORE, pursuant to this Stipulation and Order, the Court hereby dismisses the Commission's claims against Far & Lee LLC and Spherix Capital LLC, with prejudice.

IT IS SO ORDERED, at New York, New York on this ____ day of _____, 2009.

HON. JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

CONSENTED TO AND APPROVED FOR ENTRY BY:

Securities and Exchange Commission

Dated: _____

By: _____

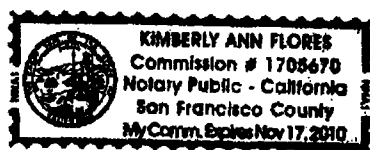
Valerie A. Szczepanik
Senior Trial Counsel
Division of Enforcement
U.S. Securities and Exchange Commission
New York Regional Office
3 World Financial Center, Rm 400
New York, NY 10281
Telephone: (212) 336-1100

Far & Lee LLC

Dated: 12/10/09

By: Choo-Beng Lee
Choo-Beng Lee
Former Managing Member
Far & Lee LLC
1595 Adolfo Dr.
San Jose, CA 95131

On Dec. 10, 2009, Choo-Beng Lee, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Far & Lee LLC, as its Former Managing Member.



Kimberly Ann Flores
Notary Public
Commission expires: 11/17/2010

Far & Lee LLC

Dated: _____

By: _____

Ali T. Far
Former Managing Member
Far & Lee LLC
15230 Fruitvale Ave.
Saratoga, CA 95070

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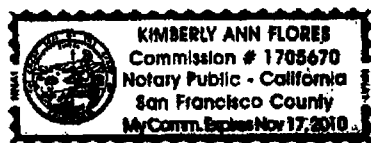
Spherix Capital LLC

Dated: 12/10/09

By: Choo-Beng Lee

Choo-Beng Lee
President
Spherix Capital LLC
1595 Adolfo Dr.
San Jose, CA 95131

On Dec. 10, 2009, Choo-Beng Lee, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Spherix Capital LLC, as its President.



Kimberly Ann Flores
Notary Public
Commission expires: 11/17/2010

Spherix Capital LLC

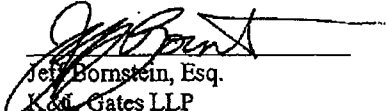
Dated: _____

By: _____

Ali T. Far
Managing Member
Spherix Capital LLC
15230 Fruitvale Ave.
Saratoga, CA 95070

On _____, 2009, Ali T. Far, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Spherix Capital LLC, as its Managing Member.

Approved as to form:


Jeff Bornstein, Esq.
Kob & Kim LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111
Ph: (415) 249-1059
Attorney for Choo-Beng Lee

Francisco J. Navarro, Esq.
Kobre & Kim LLP
800 3rd Ave.
New York, NY
Ph: (212) 488.1240
Attorney for Ali T. Far

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1
2
3
4
5
6

Signature of Document Signer No. 1 _____

Signature of Document Signer No. 2 (if any) _____

State of California

County of San Francisco

Subscribed and sworn to (or affirmed) before me on this

10th day of December, 2009, by

(1) Choo-Beng Lee
Name of Signer

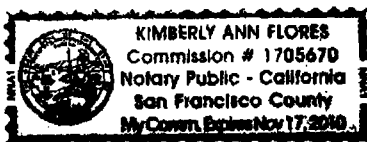
proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (.)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature Kimberly Ann Flores
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

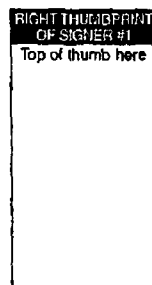
Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Stipulation and Order

Document Date: December 10, 2009 Number of Pages: 5

Signer(s) Other Than Named Above: _____



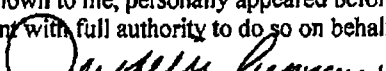
Dated: 12/11/2009

see attachment

Far & Lee LLC

By: 

Ali T. Far
Former Managing Member
Far & Lee LLC
15230 Fruitvale Ave.
Saratoga, CA 95070

On December 11th, 2009, Ali T. Far, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent with full authority to do so on behalf of Far & Lee LLC, as its Former Managing Member. 

Spherix Capital LLC

Dated: _____

By: _____

Choo-Beng Lee
President
Spherix Capital LLC
1595 Adolfo Dr.
San Jose, CA 95131

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Notary Public

Commission expires: _____

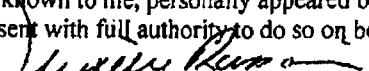
Spherix Capital LLC

Dated: 12/11/2009

By: 

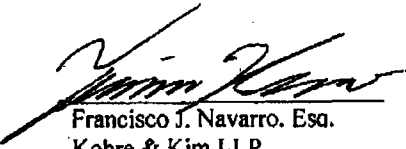
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Managing Member
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15230 Fruitvale Ave.
Saratoga, CA 95070

see attachment

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Approved as to form:

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K&L Gates LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111
Ph: (415) 249-1059
Attorney for Choo-Beng Lee



Francisco J. Navarro, Esq.
Kobre & Kim LLP
800 3rd Ave.
New York, NY
Ph: (212) 488.1240
Attorney for Ali T. Far in his
individual capacity

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**

State of California

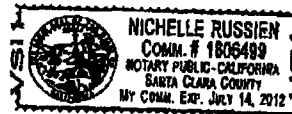
County of Santa Clara

On December 11th, 2009 before me, Nichelle Russien, Notary Public, personally appeared Ali T. Far who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Nichelle Russien



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Stipa Carion Court Order
(Title or description of attached document)

Far and Lee LLC
(Title or description of attached document continued)

Number of Pages 5 Document Date 12/11/09

(Additional Information)

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is him) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - Indicate title or type of attached document, number of pages and date.
 - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)

☒ Other Former Managing Member

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**

State of California

County of Santa Clara

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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Nichelle Russien



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Stipulation Court Order
(Title or description of attached document)

Spheric Capital LLC
(Title or description of attached document continued)

Number of Pages 5 Document Date 12/11/09
XX/XX/XX

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

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☐ Corporate Officer

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